Trial Court Budget Advisory Committee Annual Agenda¹—2022

Approved by Judicial Branch Budget Committee: December 7, 2021

I. COMMITTEE INFORMATION

Chair:	Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Lead Staff:	Ms. Brandy Olivera, Manager, Judicial Council Budget Services

Committee's Charge/Membership:

<u>Rule 10.64(a)</u> of the California Rules of Court states the charge of the Trial Court Budget Advisory Committee, which is to make recommendations to the council on the preparation, development, and implementation of the budget for trial courts and provides input to the council on policy issues affecting trial court funding. <u>Rule 10.64(b)</u> sets forth additional duties of the committee.

Rule 10.64(c) sets forth the membership position of the committee. The Trial Court Budget Advisory Committee currently has 24 members. The current committee <u>roster</u> is available on the committee's web page.

Subcommittees/Working Groups²: List the names of each subcommittee or working group, including groups made up exclusively of committee/task force members and joint groups with other advisory committees/task forces. To request approval for the creation of a new subgroup, include "new" after the name of the proposed subgroup and describe its purpose.

- 1. Fiscal Planning Subcommittee (FPS) Review recommendations regarding trial court requests to set aside funds on their behalf that have reverted to the Trial Court Trust Fund (TCTF) pursuant to Government Code section 77203. This group also reviews requests from trial courts that relate to Children's Waiting Room funding.
- 2. Funding Methodology Subcommittee (FMS) Ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the TCTF Court Interpreter Program (CIP) (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.
- 3. Revenue and Expenditure (R&E) Subcommittee Ongoing review of TCTF and State Trial Court Improvement and Modernization Fund (IMF) allocations supporting trial court projects and programs as well as any systematic cash flow issues affecting the trial courts.

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

- 4. Ad Hoc Interpreter Subcommittee To develop a methodology for allocations from the TCTF CIP in the event of a funding shortfall and review existing methodologies.
- 5. Ad Hoc COVID-19 Backlog Subcommittee To develop more precise definitions and practices for documenting and reporting COVID-related backlog and workload to be funded by the \$50 million one-time augmentation in the 2020 Budget Act and the \$60 million one-time augmentation in the 2021 Budget Act.
- 6. Ad Hoc Court Reporter Funding Subcommittee (New) To develop a methodology for allocations to all courts from the ongoing funding included in SB 170 that amended the 2021 Budget Act; \$7 million to cover the costs associated with increased transcript rates, and \$30 million to increase the number of court reports in family law and civil law case types.

Meetings Planned for 2022³ (Advisory body and all subcommittees and working groups)

Date/Time/Location or Teleconference:

The Trial Court Budget Advisory Committee usually holds four in-person meetings annually and the Funding Methodology Subcommittee holds two in-person meetings. A budget allocation is provided to the committee to cover the costs of travel and per diem to allow these budget discussions to occur in-person. Due to the COVID-19 pandemic and ongoing public health protocols that restrict in-person gatherings, the committee has not finalized its meeting schedule for 2022. Dates are estimated by month and the location is listed as "To Be Determined" where it would have been an in-person meeting. Additional meetings to address budget issues will be scheduled as needed.

Trial Court Budget Advisory Committee

January 2022/Videoconference; March 2022/TBD; April 2022/Videoconference; May 2022/TBD; July 2022/TBD; November 2022/TBD

Fiscal Planning Subcommittee

May 2022/Teleconference; October 2022/Teleconference; November 2022/TBD

Revenue and Expenditure Subcommittee

March 2022/Teleconference

☑ Check here if exception to policy is granted by Executive Office or rule of court.

³ Refer to *Operating Standards for Judicial Council Advisory Bodies* for governance on in-person meetings.

COMMITTEE PROJECTS

New or One-Time Projects⁴ Project Title: Federally Funded Dependency Representation Program Allocation Methodology Priority 1⁵ Strategic Plan Goal⁶ VII

Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of up to \$30 million General Fund included in the 2021 Budget Act for court-appointed counsel in dependency cases to address a shortfall between what was expected could be claimed from Federal Title IV-E funding and what was able to be claimed once federal guidance on eligible activities for Title IV-E reimbursement was provided. The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee that was approved on November 4, 2021 to proportionally allocate and distribute funds in 2021-22 to Federally Funded Dependency Representation Program providers based on invoicing and Judicial Council Center for Children, Families & the Courts (CFCC) monitoring criteria. The expected outcome is to address shortfalls timely and accurately.

Status/Timeline: One-time; the item is scheduled to be considered by the Judicial Council at its January 21, 2022 business meeting for 2021-22 implementation.

Fiscal Impact/Resources: CFCC and Budget Services staff.

Market This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: External stakeholders include the trial courts.

AC Collaboration: Judicial Branch Budget Committee.

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a program in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; I(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California's Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or "end of action" to be achieved for the coming year.

New or One-Time Projects⁴ Project Title: Court Reporter Funding Priority 1⁵ Strategic Plan Goal⁶ VII **Project Summary**⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of new, ongoing funding included in the 2021 Budget Act; \$7 million to address cover the costs associated with increased transcript rates, and \$30 million to increase the number of court reporters in family law and civil law case types, both of which cannot be used to supplant existing expenditures in these areas. The Ad Hoc Court Reporter Funding Subcommittee was established to develop a methodology for allocating these funds to all trial courts, and a recommendation by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021 was made and approved to allocate the \$7 million proportionally in one lump sum using an average of the prior three-year transcript expenditures and an established baseline for identifying cost increases, and the \$30 million proportionally based on the most-recently published Assessed Judicial Need, and after a funding floor is provided, both beginning in 2021-22. The expected outcome is to assist the courts with costs for these defined areas. Status/Timeline: Ongoing; this item is scheduled to be considered by the Judicial Council at its January 21, 2022 business meeting for 2021-22 implementation. Fiscal Impact/Resources: Business Management Services, Governmental Affairs, and Budget Services staff. This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials. Internal/External Stakeholders: External stakeholders include the trial courts. AC Collaboration: Judicial Branch Budget Committee. Priority 1⁵ **Project Title:** Court Interpreter Employee Incentive Grant Funding Strategic Plan Goal⁶ VII **Project Summary**⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of new, one-time \$30 million included in the 2021 Budget Act for a new Court Interpreter Employee Incentive Grant program intended to increase the number of new interpreters in trial courts, and to increase language access services to court users inside courthouses. CFCC has notified courts of the funding and is developing an application process for interested courts to attest to qualification for grants under the provisions of the Budget Act and based on their interpreter expenditures over the past four fiscal years. Grant applications will be reviewed by CFCC staff with recommendations to be presented to the Trial Court Budget Committee, the Judicial Branch Budget Committee, and the Judicial Council for approval, including an allocation methodology in the event the total grant requests exceed the \$30 million in one-time funding. The

expected outcome is to assist the courts with funding for staff interpreters based on approved grant applications.

New or One-Time Projects⁴

Status/Timeline: One-time; targeted completion date is spring of 2022 for allocating funds to approved trial courts in 2021-22.

Fiscal Impact/Resources: CFCC and Budget Services staff.

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: External stakeholders include the trial courts.

AC Collaboration: Judicial Branch Budget Committee.

4. | Project Title: Base Funding Floor Adjustments

Priority 1⁵

Strategic Plan Goal⁶ VII

Project Summary⁸: Part of the charge of the committee pursuant to rule 10.64. The project originated from the FMS work plan to review the trial court base funding floor amounts annually, if requested by the applicable courts, for presentation to the Trial Court Budget Advisory Committee no later than December, to determine whether an inflationary adjustment is needed. In the summer of 2021, two requests were received by Alpine and Sierra Superior Courts for an ongoing increase effective July 1, 2022 and was recommended by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021 and approved. The expected outcome is to assist these courts in providing the identified funding needed to maintain operations and provide access to justice.

Status/Timeline: One-time; this item is scheduled to be considered by the Judicial Council at its March 11, 2022 business meeting for 2022-23 implementation.

Fiscal Impact/Resources: Budget Services staff.

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: External stakeholders include the two smallest trial courts, Alpine and Sierra.

AC Collaboration: Judicial Branch Budget Committee.

5. | Project Title: State Trial Court Improvement and Modernization Fund Allocation Adjustment

Priority 1⁵

⁸ A key objective is a strategic aim, purpose, or "end of action" to be achieved for the coming year.

New or One-Time Projects⁴ Strategic Plan Goal⁶ VII **Project Summary**⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from a request from Judicial Council Information Technology to transfer approved IMF funds from Local Assistance to State Operations, which the office will utilize for staff employees in lieu of contractors for telecommunications, statewide planning, and development support programs. A recommendation was made by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021 and approved. The expected outcome is to hire and retain permanent positions for programs to provide a foundational level of support and maintain institutional knowledge in these areas. Status/Timeline: One-time; this item is scheduled to be considered by the Judicial Council at its March 11, 2022 business meeting for 2021-22 implementation. *Fiscal Impact/Resources:* Information Technology and Budget Services staff. This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials. Internal/External Stakeholders: External stakeholders include the trial courts. AC Collaboration: Judicial Branch Budget Committee. Priority 2⁵ **Project Title:** Delegation of Trial Court Trust Fund Authority Strategic Plan Goal⁶ VII **Project Summary**⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from an identified opportunity to increase efficiencies to operational impacts in allowing for immediate implementation to meet the critical needs of trial courts and enable council staff to commit funding on a timely basis by delegating authority to the Judicial Council Administrative Director to transfer TCTF funding allocations approved by the Judicial Council between programs or projects. This approach is consistent with the council's past practice in delegating limited authority to the Administrative Director to transfer allocations funded from the IMF, and a recommendation has been made by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021 and approved. The expected outcome is to increase efficiencies in making timely transfers when available and as needed. Status/Timeline: One-time; this item is scheduled to be considered by the Judicial Council at its March 11, 2022 business meeting for immediate implementation upon approval by the council. Fiscal Impact/Resources: Various Judicial Council offices that provides services to trial courts.

New or One-Time Projects⁴ This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials. Internal/External Stakeholders: Internal stakeholders include various Judicial Council offices; external stakeholders include the R&E Subcommittee, Trial Court Budget Advisory Committee, Judicial Branch Budget Committee, and the Judicial Council. AC Collaboration: Judicial Branch Budget Committee. Priority 2⁵ **Project Title:** Court Cluster System and Floor Funding Strategic Plan Goal⁶ VII **Project Summary**⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from an FMS recommendation on February 20, 2020 to initiate an ad hoc subcommittee to reevaluate the cluster system and floor funding to identify any opportunities for refinement or change. The expected outcome could impact the statewide four-cluster system and/or its criteria as well as updates to the funding floor determination process. Status/Timeline: One-time. Fiscal Impact/Resources: Budget Services and Business Management Services staff. This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials. Internal/External Stakeholders: External stakeholders include the trial courts. **AC Collaboration:** Workload Assessment Advisory Committee and Judicial Branch Budget Committee. Priority 2⁵ **Project Title:** Trial Court Pension Trust Fund Strategic Plan Goal⁶ VII Project Summary9: Part of the charge of the committee pursuant to rule 10.64. The project originated from a January 2019 Senate Bill 1413 (Chapter 665, Statutes of 2018) creating Government Code 21711, which established the California Employers' Pension Prefunding Trust (CEPPT). The CEPPT is a trust fund dedicated to prefunding employer contributions to defined benefit pension systems and works similarly to the existing California Employer's Retiree Benefit Trust dedicated to prefunding other post-employment benefits. The Trial

Court Budget Advisory Committee voted on July 16, 2020 to further research the cost benefit impact for developing a recommendation

⁹ A key objective is a strategic aim, purpose, or "end of action" to be achieved for the coming year.

| New or One-Time Projects⁴

regarding potential trial court participation in the CEPPT for consideration by the Judicial Council at a future business meeting. The expected outcome will inform the recommendation to the council.

Status/Timeline: One-time.

Fiscal Impact/Resources: Branch Accounting and Procurement and Budget Services staff.

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: External stakeholders include the trial courts.

AC Collaboration: Judicial Branch Budget Committee.

9. Project Title: Judicial Council-Provided Services Review

Priority 2⁵

Strategic Plan Goal⁶ VII

Project Summary¹⁰: Part of the charge of the committee pursuant to rule 10.64. The project originated from the FMS work plan to identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds. The expected outcome is to determine if any services provided should be shifted or combined along with any associated funding.

Status/Timeline: One-time.

Fiscal Impact/Resources: Various Judicial Council offices that provides services to trial courts.

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: Workload Assessment Advisory Committee.

AC Collaboration: Various advisory bodies that have programs that provide various court services and the Judicial Branch Budget Committee.

¹⁰ A key objective is a strategic aim, purpose, or "end of action" to be achieved for the coming year.

Ongoing Projects and Activities⁴ 1. Project Title: Workload Formula Adjustment Request Process (ARP) | Strategic Plan Goal⁶ VII

Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. At its August 22, 2013 meeting, the Judicial Council approved a recommendation made by the Trial Court Budget Advisory Committee to approve the Workload Formula Adjustment Request Process to allow courts an annual opportunity to submit recommendations for changes to the Workload Formula. The expected outcome is to assist the courts and the council with ongoing review and refinements to the Workload Formula.

Status/Timeline: Ongoing.

Fiscal Impact/Resources: Budget Services and Business Management Services staff.

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: External stakeholders include the trial courts.

AC Collaboration: The Workload Assessment Advisory Committee oversees the Resource Assessment Study model, which informs the Workload Formula and is often the area for recommendation submissions by trial courts.

2. Project Title: Interpreter Funding Methodology Strategic Plan Goal⁶ VII

Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated due to the declining fund balance in the TCTF CIP (0150037), and the Ad Hoc Interpreter Subcommittee was established to develop a methodology for allocations from the CIP in the event of a funding shortfall and to review existing methodologies. The Ad Hoc Interpreter Subcommittee made a recommendation to the Trial Court Budget Advisory Committee that was approved by the Judicial Council on July 24, 2020, to allocate the 2020 Budget Act appropriation to the trial courts, replacing the prior reimbursement process; the same methodology continued for 2021-22. The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee on December 7, 2021 on a proportional allocation methodology effective July 1, 2022 that incorporates the prior three years' interpreter expenditures and allocated funds up to the appropriation amount which was approved. Unspent funds will reimburse courts with a shortfall. The Ad Hoc Interpreter Subcommittee will continue its work to fine-tune the allocation methodology for Trial Court Budget Advisory Committee and Judicial Branch Budget Committee consideration for the 2023-24 fiscal year to consider what other data can be utilized and considered from current case management systems and reporting capabilities. The expected outcome is to continue to appropriately allocate funds that do not exceed the CIP appropriation via a methodology that takes workload into consideration, utilizing the best data available.

Ongoing Projects and Activities⁴

Status/Timeline: This item is scheduled to be considered by the Judicial Council at its January 21, 2022 business meeting for 2022-23 implementation. Targeted completion date for further refinement of the ongoing allocation methodology is fiscal year 2022–23 for 2023-24 implementation.

Fiscal Impact/Resources: Budget Services and CFCC staff.

☑ The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.

Internal/External Stakeholders: External stakeholders include the trial courts.

AC Collaboration: Judicial Branch Budget Committee.

LIST OF 2021 PROJECT ACCOMPLISHMENTS

| Project Highlights and Achievements

1. COVID-19 Backlog Funding

The 2020-21 \$50 million one-time COVID-19 backlog funding was allocated in two \$25 million installments for the 2020-21 fiscal year, with a redistribution that occurred prior to the end of the fiscal year. The first \$25 million was approved the Judicial Council at its July 24, 2020 business meeting, and allocated funding proportionally based on trial courts' Workload Formula; the second \$25 million was first a presentation by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on November 12, 2020 and included a COVID-19 related backlog definition, reporting requirements, and methodology for allocation. The recommendation was subsequently approved by the Judicial Council on January 22, 2021.

The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee on August 13, 2021 on an allocation methodology for the 2021-22 \$60 million one-time COVID-driven caseload backlog funding in one lump sum. The recommendation was adjusted by the Judicial Branch Budget Committee to include two separate \$30 million allocations; one in October 2021 and the other in January 2022 based on the most updated filings and clearance data available. The recommendation was subsequently approved by the Judicial Council on October 1, 2021; therefore; this item is not carried forward into the 2022 agenda.

2. | Child Support Commissioner and Family Law Facilitator (AB 1058) Funding

The Trial Court Budget Advisory Committee made a recommendation to the Judicial Council that was approved on July 9, 2021 on a new, population-based funding methodology for the AB 1058 Family Law Facilitator program effective 2021-22, a continuation of fund reallocations for the AB 1058 Child Support Commissioner program, and base and federal drawdowns.

3. Workload Formula, IMF, and TCTF Allocations

The Judicial Branch Budget Committee and the Trial Court Budget Advisory Committee made 2021-22 recommendations to the Judicial Council that included IMF and TCTF allocations, a \$2.259 billion allocation to the trial courts from the TCTF, and an ongoing restoration of \$167.831 million that was approved on July 9, 2021. IMF and TCTF allocation adjustments were not needed as it was determined that both funds were in a position to support the allocation requests for 2021-22.

The Trial Court Budget Committee made a recommendation to the Judicial Branch Budget Committee on May 18, 2021 on an allocation methodology for new, ongoing \$72.2 million included in the 2021 Budget Act for trial courts to address inflationary cost increases, which took a similar approach as the current Workload Formula. The recommendation was adjusted by the Judicial Branch Budget Committee to allocate the funds to all courts using a 3.7 percent Consumer Price Index-based increase which was subsequently approved by the Judicial Council on July 9, 2021. In addition, a request to fund courts below the Workload Formula average funding level and to bring them up to an 85-percent funding level is included in a 2022-23 budget change proposal.

| Project Highlights and Achievements

4. Interpreter Funding Methodology

The Trial Court Budget Advisory Committee made a recommendation to the Judicial Council that was approved to May 21, 2021 on a one-time return of unpent Court Interpreters Program funding for 2020-21 as well as a one-time allocation methodology for 2021-22 while the Ad Hoc Interpreter Subcommittee continues development of a workload-based methodology recommendation for consideration effective July 1, 2022. The project continues into the 2022 agenda.

5. Pretrial Release Funding and Allocation Methodology

The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee that was approved on August 13, 2021 to allocate 2021-22 one-time and ongoing Pretrial Release funding of \$140 million in accordance with methodologies outlined in SB 129 and including minimum funding floors for trial courts to contract with probation departments or other county departments for the provision of pretrial monitoring and services. The recommendation was subsequently approved by the Judicial Council on October 1, 2021.

6. AB 1058 Reimbursement Authority Increase

The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee that was approved on August 13, 2021 to allocate 2021-22 an additional and ongoing \$4.45 million in base funding for the AB 1058 Child Support Commissioner and Family Law Facilitator program based on current funding methodologies as well as a technical adjustment to 2021-22 Child Support Commissioner base allocations. The recommendation was subsequently approved by the Judicial Council on October 1, 2021.